

Service Date: February 7, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE COMPLAINT)	
of ELDORA A. GRAHAM, MARILYN T.)	
NISBET, LLOYD A. TWITE, DARRELL J.)	UTILITY DIVISION
TWITE, JOHN JAMES TWITE and HELENA)	
M. TWITE,)	
)	
Complainant,)	
)	DOCKET NO. 83.1.7
-VS-)	
)	
WESTERN WATER COMPANY,)	ORDER NO. 5599
)	
Defendant.)	

ORDER CLOSING DOCKET

BACKGROUND

On January 18, 1983 the Montana Public Service Commission (Commission) received the above-captioned complaint against Western Water Company on behalf of a number of property owners in the Valley Vista and Linda Vista Third Supplement Subdivisions in Missoula County, Montana. The complaint alleged that Complainants agreed to make a contribution in aid of construction and that Defendant refused to extend mains, install facilities and to provide water service, as agreed, to the subdivisions.

The Commission noticed the complaint to Western Water Company on February 24, 1983. Western Water Company answered the complaint on March 11, 1983. A portion of the claim involved an allegation that the Montana Department of Health and Environmental Sciences (MDHES) had imposed sanitary restrictions against Defendant. Defendant denied this allegation, stating that by March 21, 1983 it would file appropriate documents stating that existing water could be used with existing equipment without detriment.

Correspondence copied to the Commission indicates that MDHES lifted sanitary restrictions allowing completion of the project.

FINDINGS OF FACT AND DISCUSSION

The Commission finds that the complaint has been satisfied and that the docket should be closed. The Commission takes administrative notice that the subdivisions at issue are now part of the service area of Clark Fork Water Company, which acquired Western Water Company. Therefore, the issue is moot.

CONCLUSIONS OF LAW

The Commission supervises and regulates public utilities pursuant to Title 69, Montana Code Annotated (MCA).

Western Water Company at the time of the complaint was a public utility subject to the Commission's jurisdiction.

The Commission properly exercises jurisdiction over complaints made by any person or public utility with a legal interest in the matter against any person over whom the Commission has jurisdiction. ARM 38.2.2101, et seq.

As a matter of law, the Commission deems the complaint satisfied upon the provision of water service and facilities to Complainants.

ORDER

WHEREFORE, THE COMMISSION ORDERS that the complaint be deemed satisfied and the docket closed.

Done and Dated this 3rd day of February, 1992 by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.